

**REMARKS**

In the Final Office Action, claims 47-53, 55-62 and 64-74 were rejected under 35 U.S.C. § 102(e) as being anticipated by Slivka et al (U.S. Pat. No. 6,061,695). As understood, Slivka discloses multi-media content enhancements to the desktop of an operating system's graphical user interface. An operating system shell synthesizes the display for the desktop into a hypertext document format (HTML) that can add informative or explanatory content to the desktop. (See Generally, Slivka et al., col. 3, lines 14-30). The multi-media enhancements are contained within a template that is processed and displayed on the desktop. The template contains document data for output in the synthesized documents to cause embedding of a software object in the displayed view of the synthesized document. The software objects implement the functionality of the desktop's interface elements. The objects provide the user interface features and functionality. (See Generally, Slivka et al., col. 3, lines 31-51).

In the rejection, the Examiner interpreted hypertext folder view 170 of the Slivka reference as disclosing a common theme because it describes the settings for the user interface elements of a window. Applicants respectfully disagree with this interpretation because the Slivka reference does not disclose or teach having a common theme for the window pane. As understood, Slivka is concerned with presenting elements of the user interface in a multi-media format. In this regard, Slivka teaches that the hypertext folder view 170 can integrate a variety of multi-media elements into the desktop. Slivka teaches that it would advantageous to use different types of multi-media elements in the desktop

view to enhance the user experience. There is no disclosure within Slivka for the proposition that the elements of the desktop are of a common theme.

In the Office Action, the Examiner stated that Slivka discloses a selectable icon indicating the common theme and correlated to a respective media file. The Examiner stated that it would be *inherent* that the graphical icons disclosed in Slivka are representative of the template and therefore indicative of the theme. Furthermore, the Examiner stated that it was *inherent* that the displayed icons in Slivka indicate the media file to be recorded onto a recordable media.

However, upon a closer inspection of Slivka, Applicants respectfully submit that Slivka does not disclose icons having a common theme and correlated to a respective media file. There is no teaching or disclosure within Slivka for the proposition that the icons displayed on the folder view 170 (or icons frame 180) are correlated to a respective media file that is to be recorded onto a recordable media. The rejection assumes that the icons disclosed by Slivka can be recorded onto the recordable media and does not describe any factual support for the proposition. Furthermore, as previously discussed, there is no teaching or suggestion within Slivka that the icons are indicating the common theme. Again, the rejection assumes that the icons illustrate the common theme without showing any specific support in Slivka.

As the Examiner is well aware, each and every claimed element must be disclosed in the Slivka reference for the rejection under §102 to be valid. However, as previously discussed, the rejection does not state where Slivka discloses the icons indicate the common

theme or where Slivka discloses the icons indicate the media file to be recorded onto the recordable media. The rejection only states that it is *inherent* that Slivka discloses the elements but does not show any specific support within the reference for this proposition. Applicants respectfully submit that the rejection of claims 47-53, 55-62 and 64-74 is improper under 35 U.S.C. § 102 because each and every claim element is not taught or suggested in Slivka. Accordingly, claims 47-53, 55-62 and 64-74 are in condition for allowance.

In the Office Action, claims 54 and 63 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Slivka in view of Johnston, Jr. et al. (U.S. Pat. No. 5,959,624). In view of the preceding discussion regarding Slivka, Applicants respectfully submit that claims 54 and 63 are in condition for allowance because Slivka does not disclose the claim elements as stated in the rejection.


### **Conclusion**

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance. Such allowance is respectfully requested.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at (650) 622-2300.

Respectfully submitted,

Date: May 11, 2004

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